19/12/07

(38)

HIGH COURT OF CHHATTISGARH, BILASPUR

W. P(S) No. 7444 of 2007

PETITIONER Dwarika Prasad Suryawanshi, aged about 52 years, s/o late Praja Ram Suryawanshi, working as Junior Assistant (suspended) At District Office, C.G. State Civil Supplies Corporation, Janjgir, District Janjgir Champa (C.G) (C.G)
r/o Jarhabhatha, Mandir Chowk, Bilaspur, District Bilaspur (C.G).

Versus

RESPONDENTS
1. C.G. State Civil Supplies Corporation Limited, Raipur, through the Managing Director, Bal Ashram Campus, Kucheri Chowk, Raipur (C.G).
2. The Managing Director, C.G. State Civil Supplies Corporation Limited, Bal Ashram Campus, Kuchery Chowk, Raipur (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Prakash Tiwari, Advocate, appears on behalf of Shri R.K. Kesharwani, counsel for the petitioner.

Shri Sumeet Verma, P.L. appears for the State/ respondents.

ORAL ORDER
(17.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner has challenged the suspension order dated 26.9.2005 (Annexure P-1) and has also challenged the departmental enquiry pending against him, for which the charge sheet dated Annexure P-3 was issued to him.

Learned counsel for the petitioner argues that the petitioner was suspended on 26.9.2005 but the enquiry has not been concluded till date and the petitioner has also not been reinstated,

therefore, the impugned suspension order be set aside and a direction be issued to conclude the enquiry at the earliest.

I have heard learned counsel for the petitioner at length and have also gone through the contents of the writ petition as also the documents filed along-with the writ petition.

So far as quashing of the impugned order is concerned, it cannot be quashed only on the ground that the enquiry is still pending. The suspension was effected in contemplation of enquiry and immediately after suspension, the enquiry was initiated and, as stated by learned counsel for the petitioner, many witnesses have been examined and only the report etc., is to be received by the disciplinary authority. Apart from the above, the contents of the suspension order as also the charge sheet would show that the allegations pertaining to the factual aspects have been raised against the petitioner and the petitioner has also disputed those aspects, therefore, it would not be possible for this Court to entertain such petition, at this stage, because a finding has to be recorded by the enquiry officer after giving opportunity to both the parties as envisaged under the rules. Therefore, this petition is dismissed at this stage. However, it is observed that the enquiry officer/ disciplinary authority as also the concerned authority of the respondents would try to dispose of the enquiry at the earliest so that the matter may come to an end.

With the aforesaid observations, this petition stands finally disposed off.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/